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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RAJKO LJUTICA,

Plaintiff,

v.

ALBERTO R. GONZALES, U.S. Attorney  
General, MICHAEL CHERTOFF, Secretary,  
Department Homeland Security, EDUARDO  
AGUIRRE, Director, U.S. Citizenship and  
Immigration Services, ANDREA J.  
QUARANTILLO, Field Office Director, New  
York,

Defendants.  
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**NOTICE OF MOTION**

07 Civ. 6129 (JSR)

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants' Motion for Summary Judgment, and the Declaration of Kristin L. Vassallo, and the exhibits annexed thereto, defendants Alberto R. Gonzales, Attorney General, Michael Chertoff, Secretary of the Department of Homeland Security, Dr. Emilio T. Gonzalez, Director, United States Citizenship and Immigration Services ("CIS"),<sup>1</sup> and Andrea J.

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<sup>1</sup>Eduardo Aguirre, originally named as a defendant in this lawsuit, is no longer the Director of CIS. Pursuant to Fed. R. Civ. P. 25(d), Dr. Emilio Gonzalez, the present Director, is automatically substituted for Mr. Aguirre as a defendant.

Quarantillo, Field Office Director, New York, by their attorney, Michael J. Garcia, the United States Attorney for the Southern District of New York, will move this Court before the Honorable Jed S. Rakoff, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order dismissing the complaint pursuant to Rule 56 of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to the briefing schedule set forth by Judge Rakoff, plaintiff's opposition papers, if any, are to be filed and served on or before October 1, 2007, defendants' reply papers, if any, are to be filed and served on or before October 8, 2007, and oral argument will be heard before Judge Rakoff on October 15, 2007, at 4:00 p.m.

Dated: New York, New York  
September 17, 2007

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney for the  
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